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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,870	01/29/2004	Gad Inon	Q76912	2642
23373	7590	09/01/2006		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/765,870	INON, GAD	
Examiner	Art Unit		
Gerald Gauthier	2614		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 June 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-22 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Oran (US 2004/0225679 A1).

Regarding **claim(s) 1 and 8**, Oran discloses a method for initiating a session in a store and forward messaging system (FIG. 1 and paragraph 0001), said method comprising:

receiving a session connection request from a guest of the store and forward messaging system (paragraph 0050);

determining capability information of a device used by the guest to connect to the store and forward messaging system (paragraph 0050);

determining a subscriber of the store and forward messaging system for whom the guest wishes to deposit a message (paragraph 0051);

retrieving capability information of a device used by the subscriber of the store and forward messaging system for whom the guest wishes to deposit a message (paragraph 0051); and

comparing the capability information of the device used by the guest to the capability information of the device used by the subscriber, wherein the capability information of the device used by the guest is compared to the capability information of the device used by the subscriber prior to the guest transmitting the message to the store and forward messaging system (paragraph 0051).

Oran fails to disclose a store and forward messaging system.

However, Rao teaches a store and forward messaging system (column 2, lines 9-19).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Oran using the teaching of video answering machine as taught by Rao.

This modification of the invention enables the system to have a store and forward messaging system so that the user would leave a message for the subscriber.

Regarding **claim(s) 2**, Oran discloses a method for initiating a session, wherein, if at least a portion of the capability information of the device used by the guest matches a portion of the capability information of the device used by the subscriber, the portion of the capability information that matches is presented to the guest (paragraph 0051).

Regarding **claim(s) 3 and 12**, Oran discloses a method for initiating a session, wherein if at least a portion of the capability information of the device used by the guest does not match at least a portion of the capability information of the device used by the subscriber, a default capability information is presented to the guest (paragraph 0078).

Regarding **claim(s) 4 and 14**, Oran discloses a method for initiating a session, wherein the guest transmits the message to the store and forward system using at least the portion of capability information that matches (paragraph 0057).

Regarding **claim(s) 5 and 10**, Oran discloses a method for initiating a session, wherein the capability information comprises at least one of the following: a video codec, a rate of video codec, an audio codec, a rate of audio codec, a screen size of the device used by the guest or subscriber, and colors supported by the device used by the guest or subscriber (paragraph 0019).

Regarding **claim(s) 6, 13 and 16**, Oran discloses a method for initiating a session, wherein, if at least a portion of the capability information of the device used by the guest does not match at least a portion of the capability information of the device used by the subscriber, a default capability information is presented to the guest (paragraph 0078).

Regarding **claim(s) 7, 15, 17 and 22**, Oran discloses a method for initiating a session, wherein the capability information comprises at least one of the following: a video codec, a rate of video codec, an audio coder, a rate of audio codec, a screen size of the device used by the guest or subscriber, and colors supported by the device used by the guest or subscriber (paragraph 0019).

Regarding **claim(s) 9**, Oran discloses a method for initiating a session, wherein, if it is determined that the capability information has changed, or it is the first time the subscriber has called into the store and forward messaging system, or that the capability information of the device used by the subscriber was initialized, then the stored device capability information of the subscriber is replaced by the determined capability information of the device used by the subscriber to connect to the store and forward messaging system (paragraph 0062).

Regarding **claim(s) 11 and 20**, Oran in combination with Rao disclose all the limitations of **claim(s) 11 and 20** as stated in **claim(s) 1**'s rejection above and furthermore Oran discloses a receiving unit (123 on FIG. 1) a server coupled to the receiving unit (104 on FIG. 1) and a data storage unit coupled to the server (120 on FIG. 1).

Regarding **claim(s) 18**, Oran discloses a store and forward messaging system, further comprising: a transcoding unit that is able to convert a message deposited by

the guest to a format supported by the device used by the subscriber if at least a portion of the capability information of the device used by the guest does not match at least a portion of the capability information stored in the data storage unit regarding the device of the subscriber for whom the guest wishes to deposit a message (paragraph 0078).

Regarding **claim(s) 19**, Oran discloses a store and forward messaging system, wherein the subscriber may maintain multiple accounts on the store and forward system, wherein each of the subscriber's accounts includes a different set of capability information (paragraph 0062).

Regarding **claim(s) 21**, Oran discloses a store and forward messaging system, wherein, if it is determined that the capability information has changed, the capability information stored in the data storage unit is replaced with the capability information of the device used by the subscriber to connect to the store and forward messaging system (paragraph 0057).

### ***Response to Arguments***

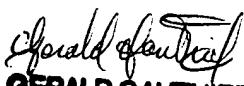
3. Applicant's arguments with respect to **claim(s) 1-22** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

Gerald Gauthier  
Examiner  
Art Unit 2614

GG  
August 28, 2006